

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

VON RO CORPORATION,

Debtor.

ORDER COMPELLING DISCOVERY
RESPONSES AND IMPOSING
SANCTIONS

JOHN R. STOEBCNER, TRUSTEE,

Plaintiff,

BKY 13-34910

v.

ADV 14-3162

MARK J. MIMBACH;
M. J. MIMBACH, INC.;
SPIRE CREDIT UNION, fka
Greater Minnesota Credit Union;
and JOHN DOE 1-x, JANE DOE 1-x,
ABC CORPORATION,

Defendants.

At St. Paul, Minnesota
January 20, 2016.

This adversary proceeding came before the court on January 19, 2016, for hearing on the Plaintiff's motion to compel discovery responses from Defendants Mark J. Mimbach and M. J. Mimbach, Inc. ("the Mimbach Defendants"). The Plaintiff appeared by Andrew J. Stoebner, his attorney. The Mimbach Defendants appeared by David W. Buchin, their attorney. Via a joint statement under Loc. R. Bankr. P. (D. Minn.) 7037-1 [Dkt. No. 64], the parties had narrowed the issues to be presented to the court. After hearing argument the court memorialized its ruling on the remaining issues on the record, and granted the motion as it was narrowed.

IT IS THEREFORE ORDERED:

1. By 5:00 p.m. on January 26, 2016, the Mimbach Defendants shall provide the Plaintiff with an executed affidavit by a competent witness, attesting to their receipt or non-receipt of Forms 1099 from Debtor Von Ro Corporation.

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 01/20/2016 Lori Vosejpka, Clerk, By JRB, Deputy Clerk
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2. By *Friday, January 22, 2016*, counsel for the Plaintiff and the Mimbach Defendants shall jointly identify all documents previously provided to the Plaintiff in scanned electronic format that have content (handwritten or otherwise) that is not readable due to the inadequacies of the scanning process. Within seven (7) days thereafter, counsel for the Mimbach Defendants shall provide counsel for the Plaintiff with copies of all such documents in a form with fully-readable content. That form may be enhanced photocopy or by higher-pixelation scanning. To the extent that this supplemental provision is inadequate, counsel for the Mimbach Defendants shall deliver the originals of such documents in-hand to the Plaintiff for copying and prompt return, each such provision and return to be at the respective side's expense.

3. Pursuant to Fed. R. Civ. P. 7037(a)(5)(A), the Plaintiff is awarded attorney's fees in the amount of \$1,452.50. The Mimbach Defendants and David W. Buchin, Esq. shall be jointly and severally liable for this award.

BY THE COURT:

/s/ Gregory F. Kishel

GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE